

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, AUGUST 20, 2003**

C-1 CALL TO ORDER / ROLL CALL – N/A

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) "Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Professional Firefighters, Association of Lodi City Employees regarding General Services and Maintenance and Operators pursuant to Government Code §54957.6" was ***pulled from the agenda.***

C-3 ADJOURN TO CLOSED SESSION – N/A

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION – N/A

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of August 20, 2003, was called to order by Mayor Hitchcock at 7:03 p.m.

Present: Council Members – Hansen, Howard, and Mayor Hitchcock

Absent: Council Members – Beckman\* and Land

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

\*Note: Absent due to attendance at the 10<sup>th</sup> Annual Urban Water Conference in San Diego.

B. INVOCATION

The invocation was given by Pastor Frank Palmer, Woodbridge Missionary Baptist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Mayor Hitchcock presented Certificates of Recognition to the following Boy Scouts for obtaining the rank of Eagle Scout:

Brett Allen Reese

Craig Kazuto Richard Watanabe

Adam C. Urias (*unable to attend*)

D-3 (b) Katie Whitmire and Katie Wagenman, representing the Greater Lodi Area Youth Commission, gave a presentation regarding the past year's activities of the Youth Commission and highlighted the following accomplishments:

Special Events

- August 3, 2002 – Wet 'n' Wild at Lodi Lake; attendance 1,427 students;
- August 30, 2002 – Crush High School Dance at Hutchins Street Square; proceeds fund the scholarship program; attendance 1,100;
- February 23, 2003 – Lodi Youth Conference and Interactive Career Day at Lodi Academy; attendance 750; and
- April 18, 2003 – Herman Cain Speak for Youth at Lodi Academy; attendance 800.

Ongoing Programs

- August 2002 through June 2003 – Teen Lead, ten sessions were held at businesses within the Lodi community; attendance 35;
- Teen of the Month; and
- Scholarship Program; four \$500 scholarships were chosen in April.

Service Program

- Commissioners provided assistance at the Hutchins Street Square Holiday Gala.

Mike Areida, Youth Commission Liaison, introduced Commissioners who were in the audience and presented outgoing Chair Katie Whitmire with an award for her service.

Mayor Hitchcock then presented Certificates of Recognition to the following retiring members:

Katie Whitmire (student member)

Carly Casey (student member) (*unable to attend*)

Elisabeth Newman (student member) (*unable to attend*)

Mayor Hitchcock recognized Youth Commission adult advisors who were present. Council Member Hansen thanked former Youth Commission Liaison Yvette Maragliano for her enthusiasm and commitment to the program.

- D-3 (c) Dee Bassett, representing Lodi Adopt-A-Child, announced that the ninth annual back-to-school shopping spree event would be held on September 6 at K-Mart. Dennis Lewis and Jerry Glenn distributed shirts to Council for the August 25 golf tournament, proceeds from which are used toward the shopping spree event. Ms. Bassett reported that 200 children are expected to participate in the shopping spree and \$20,000 is needed to fund the event.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Howard, Hansen second, approved the following items hereinafter set forth by the vote shown below:

Ayes: Council Members – Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Beckman and Land

- E-1 Claims were approved in the amount of \$5,406,480.95.
- E-2 The minutes of July 15, 2003 (Shirtsleeve Session), July 15, 2003 (Special Meeting), July 16, 2003 (Regular Meeting), July 29, 2003 (Shirtsleeve Session), July 30, 2003 (Special Meeting), August 5, 2003 (Shirtsleeve Session), August 12, 2003 (Shirtsleeve Session), and August 12, 2003 (Special Meeting) were approved as written.
- E-3 Accepted the quarterly investment account report as required by law SB564.
- E-4 Approved the plans and specifications and authorized advertisement for bids to construct the City of Lodi – Lodi Unified School District compressed natural gas fueling facility at 820 South Cluff Avenue; and adopted Resolution No. 2003-145 authorizing the City Manager to execute a compressed natural gas fueling agreement with Lodi Unified School District.
- E-5 Adopted Resolution No. 2003-146 awarding the 2003-05 supply contract for Electric Utility underground rubber products to the low bidder, Wesco Distribution, of San Leandro, in an estimated two-year total amount of \$48,502.58.

- E-6 Accepted the improvements under the "Kettleman Lane (Highway 12) Landscape and Irrigation Project, Hutchins Street to Fairmont Avenue" contract.
  - E-7 Accepted the improvements under the "Water/Wastewater Main Replacement Program (Project No. 1)" contract.
  - E-8 Accepted the improvements under "Well 26 Enclosure, 1020 Bridgetowne Drive (Katzakian Park)" contract.
  - E-9 Adopted Resolution No. 2003-147 amending Resolution 2002-255 to rescind the improvement agreement for Woodhaven Park, Unit No. 3, Tract 3187, executed by J. C. Custom Homes, Inc., and to approve the improvement agreement for Woodhaven Park, Unit No. 3, Tract 3187, executed by Fletcher Organization, Inc., and directed the City Manager and City Clerk to execute the improvement agreement on behalf of the City.
  - E-10 Adopted Resolution No. 2003-148 approving amendments to San Joaquin Regional Rail Commission Joint Powers Agreement.
  - E-11 Adopted Resolution No. 2003-149 authorizing the City Manager to execute an agreement between San Joaquin County Data Processing and the City of Lodi Police Department (estimated annual cost \$8,913.50) to provide data processing services and access to Automated Message Switching/CJIS Systems.
  - E-12 Adopted Resolution No. 2003-150 approving the established overall annual Disadvantaged Business Enterprise goal of 7% for Federal Highway Administration-assisted projects and 5% of Federal Transportation Administration-assisted projects for federal fiscal year 2003-04 to facilitate timely submission to the California Department of Transportation and FTA for funding authority approval on behalf of the City of Lodi.
  - E-13 Adopted Resolution No. 2003-151 for the waiver and transfer of Juvenile Accountability Incentive Block Grant funding and disbursement of matching City funds.
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**F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

- Bob Johnson recalled that earlier this year Council adopted a budget that lacked the funding necessary to build several recreation projects, i.e. aquatics center, indoor sports facility, and a sports complex at DeBenedetti Park. He noted that these projects were sorely needed in the community and it took some of them many years to reach their current level on the City's priority list. At the time the budget was discussed, the City Manager advised Council to delay the projects for a few years until the City's financial condition improved. Mr. Johnson stated that he recently read an article in the Lodi News-Sentinel, which reported that the Lodi City Swim Club met with the City Manager and a bond attorney to explore the feasibility of a Mello Roos bond offering to fund the aquatics center. Mr. Johnson pointed out that the bond attorney was in the audience, and noted that he was scheduled to return to the City with his opinion as to the viability of such an idea. Mr. Johnson explained that the Parks and Recreation Commission has refused to put one project in front of another, because all three are desperately needed. Neither the Lodi Sports Foundation, which supports the indoor sports facility, the Boosters of Boys and Girls Sports Organization (BOBS), which supports the DeBenedetti Park project, Randy Snider of the Swimming Pool Task Force, nor the Planning Commission were informed about the aquatics center funding proposal. He suggested that all interested parties be notified if this matter is to be pursued. In addition, Mr. Johnson recommended that it be determined whether all three projects could be financed; otherwise, he predicted that the funding proposal would fail because community support would be fractured. He expressed hope that the Council would get involved in this matter and ensure that all interested parties are provided an opportunity for input.

City Manager Flynn stated that based upon Mr. Johnson's concerns he would schedule the matter for discussion at a Shirtsleeve Session. He noted that Victor Schuh, a Parks and Recreation Commissioner, had asked for the meeting and attended with representatives of the Lodi Swim Club.

Mr. Johnson reported that Victor Schuh also serves as the Chairman of the Lodi Swim Club.

- Debbie Olson, Regional Representative of the League of California Cities, reported that the proposed \$3.9 million takeaway from local governments in the state budget was ultimately reduced to \$1.1 million, which she credited to the work done by city representatives. She announced that the League Board unanimously voted to pursue a 2004 ballot initiative for a constitutional amendment to protect local government revenues. She emphasized the importance of and power generated by coalitions between cities, counties, and special districts. Ms. Olson stated that she would be seeking opportunities to educate citizens in the Lodi community so that they understand the importance of protecting local government revenues.

Council Member Hansen expressed support for the proposed initiative.

- Janet Hamilton, Management Analyst II, announced that the eighth annual Community Day of Caring for United Way would be held on August 28 in conjunction with the Farmers Market. Sixteen nonprofit agencies would be participating in the event.

#### G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider the appeal of Richard O. Wright of a Planning Commission approval of a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development, PD(21), located at 1441 South Mills.

Community Development Director Bartlam explained that this appeal relates to a Planning Commission decision, which took place on May 28 to amend the 1980 Lakeshore Village Planned Development (PD 21). The Lakeshore Planned Development encompassed a number of acres with a mixed use format that allowed either office or residential development. The properties involved include four parcels that gain access off Mills Avenue and driveways off Kettleman Lane. These four parcels, along with three parcels off Lakeshore Drive, are the only remaining vacant lots from the Planned Development of 23 years ago. The three parcels on Lakeshore Drive were amended by the Planning Commission earlier this year to gain a higher density. The properties that face Kettleman Lane have been built out. There are four office buildings on the corner of Mills Avenue and Kettleman Lane and three adjacent. There is a drive access off Kettleman Lane and a common driveway that gains access to the south of the parcels. The Planned Development when approved in 1980 slated the density at the RCP designation, which is 10.89 units per acre. The two applicants, i.e. the owner of the property at 1441 South Mills and owner of adjacent properties, are asking that the density be increased to 17 units an acre to make a more marketable and economic project proposal. Mr. Bartlam recommended that Council uphold the Planning Commission's decision.

#### Hearing Opened to the Public

- Attorney Mike Hakeem, representing Mitch Schefflo, reported that the infill parcels have been vacant since 1980 and there have been at least three market cycles during that time. The current zoning of RCP allows for residential, commercial, or professional development to occur. The current density per unit allowance is seven or eight, and if an affordable element were added, it would increase to ten. Though the bracket jump was to 17, the most single-family detached units that Mr. Schefflo could include in the

.88 gross acreage is 12. Mr. Scheflo has submitted a plan to staff that will go through growth management development next year. Mr. Hakeem stated that the traffic from a residential project is about one third off of what commercial traffic would be and it is off peak. He noted that Jeff Kirst and other partners have approved a 46,000 square foot building at the northeast corner of Mills Avenue and Kettleman Lane. Mr. Hakeem reported that Randy Snider has three other parcels and joined Mr. Scheflo in this request.

In response to Council Member Hansen, Mr. Bartlam reported that the access for the property currently takes place by two drives: 1) a common access off Mills Avenue, which borders both sides of the property, and 2) a drive off Kettleman Lane, from which motorists can make a right turn in and gain access to the back of the development for all of the office parcels. Mr. Scheflo's property has the ability to gain direct access off of Mills Avenue without having to utilize the common drive.

In answer to Mayor Hitchcock, Mr. Bartlam explained that 10.89 units per acre is allowed under the current planned development and RCP designation for residential density. Medium density of 17 units per acre is consistent with what Mr. Scheflo has submitted as part of his project. According to the City's General Plan, medium density goes to 20 units per acre. He clarified that there are three other parcels included in the request, i.e. the three parcels owned by Mr. Snider; however, they are not part of Mr. Scheflo's application for growth management allocation.

Mayor Pro Tempore Howard acknowledged that she met with Mr. Hakeem and saw the proposed design of Mr. Scheflo's project. It was her understanding that motorists on Mills Avenue could turn onto the common access and enter the residential community.

- Richard Wright stated that he and his brother owned Wright Insurance Agency at 2100 W. Kettleman Lane. He countered Mr. Hakeem's argument that the property south of his office has been undeveloped for 20 years, noting that due to the economy, this is the case with many sections of Lodi. Mr. Wright recalled that the project proponents also believed that the cost of permits, land, and the development was a sufficient reason to increase the number of units per acre to make it a cost effective residential development. Mr. Wright did not feel it should be the concern of the City to help the developers increase their profit margin. Further, he did not believe four parcels was suitable to build 48 housing units. While the property is zoned for residential, it would not be consistent with the rest of the developed tract, which is commercial professional offices. The only access from Kettleman Lane is through the parking lot. Cars are parked perpendicular to this parking area and access is difficult from Kettleman Lane. The only other access is from Mills Avenue near the median, which makes it difficult to turn left (north) when exiting or to see the approaching traffic due to the curvature of the road. Mr. Wright felt that the area was already impacted enough with traffic and access problems. The proposed housing tract would be built off of a parking lot, not a typical 40 foot street. He also expressed concern that if the developer of this parcel is allowed the additional units per acre, that it would open the door for the developer of the adjacent parcels to the west. He asked the Council to reverse the Planning Commission's decision and leave the units at 10.89 per acre.

In answer to questions posed by Council Member Hansen, Mr. Wright stated that his office was built in 1987 on land that was purchased specifically for that purpose. He emphasized that his concern was not what type of units were being built, but how many. He believed that building a residential area off of a parking lot was inconsistent with any other development in Lodi. Currently there is not sufficient parking in the area and people park in the field. Residential units are not required to have as many parking places as offices.

In reply to Mayor Hitchcock, Mr. Bartlam reported that none of the vacant lot was considered for parking to the existing offices. They currently have the required parking on their property.

Mr. Wright stated that the parcels have one access coming off the parking drive, not off of Mills Avenue as was previously indicated by Mr. Bartlam. He questioned whether there was adequate room for fire trucks to maneuver. He expressed concern that the other three parcels would severely impact everything in the area if they develop into residential at 17 units per acre. He asked Council how it could approve this for Mr. Scheflo, and not for Mr. Snider.

Mayor Hitchcock asked whether Council could add a stipulation that the road be separated by a wall in order to make the requested density adjustment.

Mr. Bartlam replied in the affirmative; however, he noted that it would take some of the jurisdiction of the Planning Commission away in reviewing the project, and pointed out that a project proposal by Mr. Snider had not yet been submitted.

Mayor Pro Tempore Howard stated that it was her understanding that a wall is planned to be built in an east west direction starting from Mills Avenue along the property line at 1441 and ending at the property line of 2024 until further designs have been submitted. The wall would separate residential and commercial areas and possibly allow a place for people to park along side it.

Mr. Bartlam noted that it is a common drive on both pieces of property. The wall would have to be placed south of the property line; otherwise, it would cut the drive in half and affect access. Currently the drive is not wide enough to handle two-way traffic and parallel parking.

Mr. Hakeem stated that the parking requirement for residential is 2.25 per unit. The private right of way is 25 feet wide. The proposed wall would be placed 12.5 feet inside the property line to keep the private driveway at 25 feet and allow room for two-way traffic. Except for the opening into the interior, the wall would continue along to the end of Mr. Scheflo's property. It would physically separate the units from the commercial area and preclude parking on the private driveway. It would only have ingress/egress at the allowed areas into the particular parcels.

Mr. Wright believed that the number of units should remain at 10.89 as is currently stipulated in the general plan. Mixing residential into a commercial area off a 25 foot access drive would cause difficulties including parking issues. He again pointed out that the request to increase the number of units is not just for Mr. Scheflo's project, it includes all four parcels.

Mr. Bartlam countered that the amount of traffic being generated by the proposal would be far less than an office development. He recalled that discussion has taken place in the City over the past couple of years regarding the need to conserve agricultural land, to do infill development, and provide a range of product type. He believed that this was a good lot for an infill project. He indicated that projects coming forward in the future might include mixed use horizontally, as well as some vertically where office and residential is in the same building.

Mayor Hitchcock explained that her concern is not with the development itself, it is the fact that Mr. Wright has owned the property for a long period of time and purchased it with the expectation of it being an office development. She felt that it was not unreasonable to ask for some concessions on the part of the individuals requesting the change, such as requiring a wall along all four parcels segregating the residential area.

- Randy Snider stated that he owned the property since the mid-1980s and does not yet have a project proposed. If he chose to do commercial development there, a wall would not be appropriate and would take away half of the 12.50 feet he owns down the middle of the street.

Mayor Hitchcock asked Mr. Snider if he would agree to having a wall similar to what Mr. Scheflo has proposed, if the area were to become residential at the increased density. Mr. Snider did not respond directly, stating that he was being asked to speculate.

#### Public Portion of Hearing Closed

Council Member Hansen spoke in support of the Planning Commission's decision, noting that the property has been vacant for a long period of time.

Mayor Pro Tempore Howard believed this to be a good opportunity to meet some of the housing needs in the community and yet stay well within the service availability as far as traffic, easement, egress, ingress, etc. It allows for a smooth transition between commercial along Kettleman Lane and into the high density on the adjoining property on Mills Avenue.

#### MOTION:

Council Member Hansen made a motion, Howard second, to adopt Resolution No. 2003-152 upholding the Planning Commission's decision approving the issuance of Use Permit No. U-03-007 allowing an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development, PD(21), located at 1441 South Mills Avenue.

#### DISCUSSION:

Mayor Hitchcock explained that she would vote against the motion because she believed that when someone owns property they have a right to use it up to the zoning allowed, which in this case is 10.89 dwelling units per acre. If there had been no objections from property owners, she would have been in favor of the proposed development.

#### VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Hansen and Howard

Noes: Council Members – Mayor Hitchcock

Absent: Council Members – Beckman and Land

#### H. COMMUNICATIONS

- H-1 On recommendation of the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), and Human Resources staff, the City Council, on motion of Council Member Hansen, Howard second, rejected the following claim by the vote shown below:

Ayes: Council Members – Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Beckman and Land

- a) Maria Van Meter, date of loss 6/29/03

- H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 Appointments

- a) "Appointments to the Lodi Arts Commission" was ***pulled from the agenda at the request of Mayor Hitchcock.***
- b) "Post for vacancy on the Library Board of Trustees" was ***pulled from the agenda at the request of Mayor Hitchcock.***

H-4 Miscellaneous

- a) City Clerk Blackston presented the cumulative Monthly Protocol Account report through July 31, 2003.

RECESS

At 8:53 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 9:01 p.m.

I. REGULAR CALENDAR

I-1 "State Budget update"

City Manager Flynn reported that the state budget was adopted on August 2. There has been ongoing discussion about reducing by 40% what citizens are paying for Vehicle License Fees (VLF) and shifting that to an increased income tax.

Debbie Olson, Regional Representative of the League of California Cities, stated that a bill has been introduced that would reduce the VLF back to previous levels and possibly replace that money with tobacco and alcohol tax and a higher income tax bracket. The state budget also repealed 36 mandates and suspended six.

MOTION/ VOTE:

There was no Council action necessary on this matter.

NOTE: The following items were discussed and acted upon out of order.

- I-3 "Adopt resolution of preliminary determination to propose the formation of a Maintenance Assessment District, to levy an annual assessment for cost incurred, and preliminary approval of engineer's report; and adopt resolution of intention to order the formation of a Maintenance Assessment District, to levy and collect an annual assessment for maintenance and operation of improvements and for costs and expenses, and setting time and place of public meeting (10/1/03) and public hearing (10/15/03) and setting forth mailed property owner ballot procedure and notice"

Public Works Director Prima recalled that a Shirtsleeve Session was held on May 27, 2003, which provided an overview of the Maintenance Assessment District process. The City's policies regarding subdivisions that have reverse frontage fences and landscape strips require that developers provide for ongoing maintenance by either paying a one-time fee, setting up a homeowners' association, or establishing a Lighting and Landscape Maintenance District. This is the first time that a developer has selected the Maintenance District option.

Wally Sandelin, City Engineer, explained that the resolutions under consideration establish the boundary, describe the improvements to be maintained, set preliminary estimates of the maintenance cost, set dates for a public meeting and hearing, and initiates the ballot and election procedure. This district has three property owners. The assessment district is formed by simple majority vote, and in this case will be based on acres. The improvements



to be maintained under the assessment district include a masonry block wall and 8.50 feet of landscaping on Stockton Street and Almond Drive. There are also street parkway trees to be maintained and a fair share portion of public park lands. The maximum annual assessment increases by 5% per year. The actual assessment would be based on actual contracts that the City lets each year. The first annual assessment is set at \$292 per lot, which is based on the presumption that those lots would probably not take benefit of the public parks that are available in the City and it gives the developers a year to build and occupy the homes.

Mayor Pro Tempore Howard asked how staff arrived at the percentage of 5%.

Mr. Sandelin stated that the maximum that the City would be permitted to assess would increase 5% per year, though staff expects the cost to be considerably less. A large proportion of the cost is in the administration. As more assessment districts are formed in the City, the administration costs will decrease.

Mr. Prima explained that every year, based on actual costs, there would be a calculation of what the assessment should be. In the first year it is an estimate.

Attorney Tim Hachman clarified that there are two concepts: 1) maximum assessment allowable, and 2) actual cost. As an example, if the maximum assessment was \$500, and the actual cost was \$300, under the law only \$300 can be assessed.

In reply to Council Member Hansen, Mr. Sandelin stated that it would require a vote of the property owners in the district to increase the cap. Mr. Hachman reported that the cap is now \$403 and next year it would be approximately \$20 more. He noted that the assessment is a disclosure item for homebuyers.

Community Development Director Bartlam interjected that a situation could occur such as disease of the trees requiring their replacement, or damage of the wall, that would necessitate assessment of the maximum allowable amount.

Council Member Hansen asked how 5% was arrived at, to which Mr. Prima stated that staff was trying to be conservative.

In answer to Mayor Pro Tempore Howard, Mr. Hachman explained that as part of the budget there is a reserve fund that is built up for the purpose of repairing the wall should it be damaged. If in the future the residents preferred to replace the wall entirely with an enhanced design and quality, it would be their responsibility outside of the district to pay for it. In maintaining such a wall, as long as the cost did not rise above the maximum annual assessment, no increase would be necessary.

City Manager Flynn reported that of the \$7,000 administration cost, \$4,000 is for the annual engineer's report, \$900 goes to the County, \$100 is for publishing documents, and \$2,000 is for City administration. He indicated that the process would require maintaining and tracking records that had not been done before. Public Works would probably have to hire someone part time to handle the process, and as new districts are added, it may increase to one or more full time staff members.

Mr. Sandelin stated that each year staff would bring to Council for review, the engineer's report, contract information, and precise costs. At that time Council would then set the assessment for the following year.

MOTION:

Mayor Pro Tempore Howard made a motion, Hitchcock second, to take the following actions:

- Adopt Resolution No. 2003-153 of preliminary determination to propose the formation of a Maintenance Assessment District, to levy an annual assessment for cost incurred, and preliminary approval of engineer's report; and
- Adopt Resolution No. 2003-154 of intention to order the formation of a Maintenance Assessment District, to levy and collect an annual assessment for maintenance and operation of improvements and for costs and expenses, and setting time and place of public meeting (10/1/03) and public hearing (10/15/03) and setting forth mailed property owner ballot procedure and notice.

DISCUSSION:

Council Member Hansen asked whether the percentage, i.e. 5%, ever changes.

City Attorney Hays explained that the escalator is only on the maximum amount. The assessment is not necessarily going to increase 5% a year. He agreed with Mr. Hansen that theoretically the actual cost and maximum amount would never cross.

VOTE:

The above motion carried by the vote shown below:

Ayes: Council Members – Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Beckman and Land

- I-2 "Consider adoption of resolution in support of the proposal for an Executive Director of the Central Valley Mayor's Conference and agreement to contribute Lodi's proportionate share to fund the position (\$2,472)"

Mayor Hitchcock reported that a request dated June 2 was sent to 62 cities from Fresno Mayor Alan Autry asking for support to fund an Executive Director position for the Central Valley Mayor's Conference. The total amount needed to fund the position was estimated at \$92,000 and Lodi's proportionate share of the cost based on population would be \$2,472.

Mayor Pro Tempore Howard saw this as a duplication of services, noting the City already has funds invested in the San Joaquin Council of Governments, the League of California Cities, and has a good relationship with assembly and senate representatives. She believed that goals can be achieved by continuing the current efforts and communication. In addition, she believed the requested amount would likely increase over the years.

Council Member Hansen concurred with Ms. Howard. He noted that Exhibit C of the staff report indicates that as of August 14 only ten cities have responded to the request, five in support and five against.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Howard second, voted to deny the request to support the proposal, or to contribute toward, an Executive Director position for the Central Valley Mayor's Conference. The motion carried by the following vote:

Ayes: Council Members – Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Beckman and Land

- I-4 "Approve plans and specifications, authorize advertising for bids, and adopt resolution authorizing the City Manager to award or reject the contract up to \$300,000 and appropriate funds for DeBenedetti Park/G Basin Rough Grading"

Public Works Director Prima explained that this is the first step in the development of DeBenedetti Park, which is a storm drain basin as well as a major sports facility. The proposal before Council is to let a contract for the excavation, rough grading, and fencing work. He noted that the staff report referenced two years; however, staff is suggesting two years for Zone 1 with an additional year for final completion. He believed that the work could be completed at no cost if the contract was allowed to be let over a three-year period.

Council Member Hansen asked whether the dirt excavation could be accelerated if funds became available to move forward with the project.

Mr. Prima indicated that it could and noted that Zone 2 would provide rough grading for one of three baseball diamonds. He explained that utility work has to be done before it can be developed into a park site. Major storm drain facilities have to go in and out of the basin.

Mayor Pro Tempore Howard was pleased that it might be possible to use the northeast quadrant of the park, should funds become available.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Howard second, approved the plans and specifications, authorized advertisement for bids, and adopted Resolution No. 2003-155 authorizing the City Manager to award or reject the contract up to \$300,000 and appropriate funds in accordance with staff recommendation for DeBenedetti Park/G Basin Rough Grading. The above motion carried by the vote shown below:

Ayes: Council Members – Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Beckman and Land

I-5 “Adopt resolution approving Parks and Recreation Memorial Tree and Park Bench Policy”

Parks and Recreation Director Goehring reported that the Memorial Tree and Park Bench Policy was a product of Shelley Flynn’s (daughter of City Manager Flynn) high school senior project. She was assisted by Deputy City Manager Janet Keeter and Park Superintendent Steve Dutra. The Parks and Recreation Commission unanimously approved the policy at its meeting on June 3, 2003. The policy standardizes the size, type, and verbiage of the plaque that would be used to identify the memorial tree or bench.

In answer to Council inquiries, Mr. Goehring stated that the proposed dog drinking fountain would be allowed under the Parks and Recreation policy and procedure guideline for park amenity donations, which would remain a separate policy from the Memorial Tree and Park Bench Policy.

Mayor Hitchcock noted that the policy states, “All costs related to the memorial shall be at the expense of the donor including repair or replacement if necessary.” She felt that once the City took possession of the memorial it should become City property and its responsibility to care for. She also felt that there should be some flexibility for the plaque language.

Deputy City Manager Keeter explained that the flexibility built into the policy and procedure, is that it goes before the Parks and Recreation Commission first to determine the appropriateness of the request and then to the Council for final approval.

Council Member Hansen agreed that once the City takes possession of the memorial, it should be the City’s responsibility to maintain it.

Mayor Pro Tempore Howard suggested the following language amendment, “Once the donated item is received, the City will be responsible for repairs and replacement as able.” She also recommended that there be some discretion for the City to relocate the Memorial as appropriate, safe, and reasonable.

City Manager Flynn indicated that the policy would be amended and returned to Council for approval at a later date.

MOTION / VOTE:

No Council action was taken on this matter.

- I-6 "Adopt resolution establishing City Council policy regarding appointment of persons to membership on City Boards and Commissions"

Mayor Hitchcock recalled that when this matter was originally discussed, Council Member Land had suggested that the Site Plan and Architectural Review Committee (SPARC) also have a requirement that its members reside within the City limits. She too believed it was appropriate and asked Council Members for their opinions on the matter.

Council Member Hansen and Mayor Pro Tempore Howard agreed that the Planning Commission and SPARC should both have a residency requirement.

In reply to Mayor Pro Tempore Howard, Community Development Director Bartlam confirmed that all current members of SPARC are City of Lodi residents.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Howard second, adopted Resolution No. 2003-156 establishing the following City Council policy regarding appointment of persons to membership on City boards and commissions, with the amendment that the Site Plan and Architectural Review Committee applicants must also reside within City limits:

1. The City Council directs the City Clerk to advertise the existence of a board or commission vacancy thereby requesting that interested persons, who are registered voters of San Joaquin County (except Planning Commission and Site Plan and Architectural Review Committee applicants who must also reside within City limits), apply for the vacancy. Greater Lodi Area Youth Commission student applicants shall be exempt from the registered voter requirement. Applications are to be accepted by the City Clerk for thirty (30) days.
2. Following the close of the application period, the Mayor will review the applications, and at the Mayor's discretion, applicants may be interviewed.
3. Following the completion of Step 2, the Mayor shall submit the recommended names to the City Council for approval. Upon a majority vote of the quorum of the meeting at which the names are presented, appointment shall occur for the term specified.
4. The Mayor in recommending names to the City Council is encouraged to give preference to City of Lodi residents who are registered voters.

The above motion carried by the vote shown below:

Ayes: Council Members – Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Beckman and Land

- I-7 "Introduction of Ordinance amending Title 2, Chapter 2.16 "Planning Commission" by adding Section 2.16.010(C) relating to Planning Commission Membership, and repealing and reenacting Section 2.16.030 Officers-Rules-Powers and Duties relating to Planning Commission Powers"

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Howard, Hitchcock second, introduced Ordinance No. 1736 amending Title 2, Chapter 2.16, "Planning Commission," by adding Section 2.16.010(C) (as set forth below) relating to Planning Commission membership, and repealing and reenacting Section 2.16.030 (as set forth below) Officers-Rules-Powers and Duties relating to Planning Commission powers:

Section 2.16.010(C) In order to be considered for appointment to the Planning Commission, a person must be a registered voter of the City of Lodi at the time of application for consideration. The provisions of this subsection shall apply to appointments made after October 15, 2003.

Section 2.16.030 The City Planning Commission shall have power to elect its own presiding officer with the title of Chairman and such other officers as may be necessary or expedient, to adopt rules of order and procedure, and do and perform its duties in conformance with Title 7 of the California Government Code and such other laws as may appertain to City planning and zoning.

The above motion carried by the vote shown below:

Ayes: Council Members – Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Beckman and Land

- I-8 “Review and approve certain resolutions for the Annual League of California Cities Conference to be held September 7-10, 2003”

Deputy City Manager Keeter briefly reviewed the League of California Cities resolution amending its bylaws and resolution relating to proposed federal legislation to expand wilderness and wild and scenic river designations.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Howard, Hansen second, voted to 1) support the League of California Cities (LCC) resolution amending its bylaws; 2) support the LCC position relating to the proposed federal legislation to expand wilderness and wild and scenic river designations; and 3) to direct Mayor Hitchcock to vote on behalf of the City of Lodi at the LCC annual business meeting on September 10, 2003.

The above motion carried by the vote shown below:

Ayes: Council Members – Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Beckman and Land

J. ORDINANCES

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Howard announced that the Faith Family Festival would be held this Saturday.
- Mayor Hitchcock thanked Council Members and staff that assisted with the dinner held last Saturday and thanked General Mills for its \$10,000 donation to the Lodi Boys and Girls Club.
- Council Member Hansen commented on the following:
  - 1) He recently read in Field and Stream magazine that the Delta is listed as one of the 25 top fishing spots in the world for wide mouth bass.
  - 2) He recalled mentioning at the August 6 Council meeting that he felt as though the City was at a point in the PCE/TCE contamination litigation where getting another opinion should be considered. He received a call from someone involved in the lawsuit that was also in favor of the City obtaining another opinion and they knew of someone who they believed would do an excellent job. He requested that the matter be placed on a future Council agenda, at which all five Members would be in attendance.

- 3) He also recalled Council having previously asked for a presentation by Lehman Brothers.
- 4) He announced that on Friday he would be meeting with Senator Feinstein in Sacramento regarding electricity regulation, and he may be traveling again to Washington D.C. the first week in September to attend meetings on the same issue.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn announced that Community Development Director Bartlam submitted a port wine to the State Fair and won a gold medal. He extended his best wishes and hope that Council Member Land's grandson recovers soon.
- Public Works Director Prima stated that staff intends to provide an overview of the Regional Transportation Impact Fee at a Shirtsleeve Session prior to bringing it forward at a regular Council meeting.

M. ADJOURNMENT

There being no further business to come before the City Council, Mayor Hitchcock adjourned the meeting at 10:36 p.m. in memory of Diane Juran, wife of City employee Kurt Juran, and Barry Hall who was very involved in the community.

ATTEST:

Susan J. Blackston  
City Clerk